

AN ORDINANCE
BY: ZONING COMMITTEE

Z-02-01/Z-86-34

02-0 -0360

AN ORDINANCE TO AMEND ORDINANCE
Z-86-34, ADOPTED BY CITY COUNCIL
JULY 7, 1986 AND APPROVED BY THE MAYOR
JULY 8, 1986, REZONING FROM THE C-3
(COMMERCIAL-RESIDENTIAL) AND C-1-C
(COMMUNITY BUSINESS-CONDITIONAL)
DISTRICTS TO THE PD-OC (PLANNED
DEVELOPMENT-OFFICE COMMERCIAL)
DISTRICT, PROPERTY LOCATED AT
**3260-3316 PEACHTREE ROAD, N.E. AND
3317 AND 3349 PIEDMONT ROAD, N.E.**
FOR THE PURPOSE OF APPROVING A REVISED
SITE PLAN AND CHANGE OF CONDITIONS.
OWNER: BRE/ATLANTA LLC
APPLICANT: SAME
BY: CHARLES F. PALMER, ESQ., ATTORNEY
NPU-B COUNCIL DISTRICT 7

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That all currently approved site plans and conditions governing the development of the property located at **3260-3316 Peachtree Road, N.E. and 3317 and 3349 Piedmont Road, N.E.**, more particularly described by the attached legal description marked Exhibit A, are hereby deleted in their entirety and a new site plan entitled "City Center Master Plan, BRE/Atlanta, LLC, Atlanta, Georgia" prepared by Niles Bolton Associates, Architects and Planners, dated January 10, 2002 and marked received by the Bureau of Planning January 11, 2002 is hereby adopted in lieu thereof.

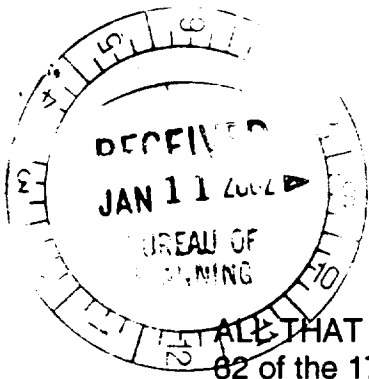
SECTION 2. That the development proposal approved by this ordinance shall be further conditioned upon the document entitled "City Center, Tree Replacement Plan, BRE/Atlanta LLC, Atlanta, Georgia prepared by Niles Bolton Associates, Architects and Planners, dated January 10, 2002 and marked received by the Bureau of Planning January 11, 2002.

SECTION 3. That the development proposal approved by this ordinance shall be further conditioned upon the document entitled "BRE/Atlanta LLC, City Center, Site Plan Amendment Conditions, Alternatives and Options and Variations, dated January 10, 2002 and marked received by the Bureau of Planning January 11, 2002.

C-5

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

2-02-01/2-86-34



LEGAL DESCRIPTION
CITY CENTER BUCKHEAD

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 61 and 62 of the 17th District, City of Atlanta, Fulton County, Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the projected point of intersection of the northeastern right-of-way line of Piedmont Road (State Highway 239) (having a variable right-of-way width) with the northwestern right-of-way of Peachtree Road (State Highway 141) (having a variable right-of-way width), as if said northeastern right-of-way line of Piedmont Road were extended South 24° 31' 46" East a distance of 74.12 feet to said point of intersection and said northwestern right-of-way line of Peachtree Road were extended South 55° 56' 26" West a distance of 74.22 feet to said point of intersection, said lines of extension forming an angle; run thence North 24° 31' 46" West a distance of 74.12 feet to a point on said northwestern right-of-way line of Piedmont Road, said point being the TRUE POINT OF BEGINNING. From the True Point of Beginning as thus established, run in a generally northwesterly direction along said northeastern right-of-way line of Piedmont Road the following courses and distances: North 24° 31' 46" West a distance of 316.17 feet to a point; thence along the arc of an 8,044.51-foot radius curve an arc distance of 319.53 feet to a point (said arc being subtended by a chord lying to the east thereof, bearing North 23° 23' 29" West and having a length of 319.51 feet); thence along the arc of an 8,044.51-foot radius curve an arc distance of 108.97 feet to a point (said arc being subtended by a chord lying to the east thereof, bearing North 21° 51' 56" West and having a length of 108.97 feet); thence North 21° 28' 39" West a distance of 15.21 feet to a point; thence departing said northeastern right-of-way line of Piedmont Road, run North 60° 19' 47" East a distance of 326.40 feet to a point; thence North 60° 19' 39" East a distance of 363.09 feet to a point; thence South 13° 14' 05" West a distance of 70.94 feet to a point; thence South 58° 01' 43" East a distance of 657.39 feet to a point on the existing northwestern right-of-way line of Peachtree Road; run thence in a generally southwesterly direction along said right-of-way line along the arc of a 555.93-foot radius curve an arc distance of 370.06 feet to a point on the existing northwestern right-of-way line of Peachtree Road (said arc being subtended by a chord lying to the northwest thereof, bearing South 36° 52' 18" West and having a length of 363.26 feet); thence South 55° 56' 22" West a distance of 88.80 feet to a point; thence departing said existing northwestern right-of-way line of Peachtree Road, run North 47° 12' 00" West a distance of 136.83 feet to a point; thence North 42° 48' 00" East a distance of 62.94 feet to a point; thence North 47° 12' 00" West a distance of 132.17 feet to a point; thence North 42° 48' 00" East a distance of 39.52 feet to a point; thence North 44° 18' 31" West a distance of 165.97 feet to a point; thence South 42° 47' 44" West a distance of 157.99 feet to a point; thence South 62° 48' 00" West a distance of 147.64 feet to a point; thence South 27° 12'

Exhibit A

Page 1 of 2

2-02-01/2-86-34

00" East a distance of 204.50 feet to a point; thence North 62° 48' 00" East a distance of 26.00 feet to a point; thence South 27° 12' 00" East a distance of 75.00 feet to a point; thence North 62° 48' 01" East a distance of 74.50 feet to a point; thence South 27° 12' 00" East a distance of 141.79 feet to a point on the existing Northwestern right-of-way line of Peachtree Road; thence South 55° 56' 26" West a distance of 304.27 feet to a point; thence departing said existing northwestern right-of-way line of Peachtree Road, run North 74° 20' 32" West a distance of 95.82 feet to a point on the northeastern right-of-way line of Piedmont Road, said point being the TRUE POINT OF BEGINNING.

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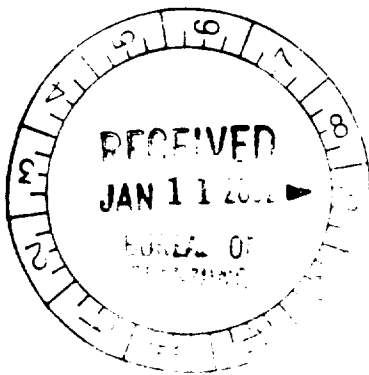


Exhibit A
Page 2 of 2

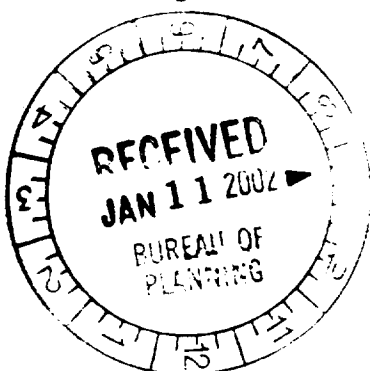
2-02-01/2-86-34

**BRE/ATLANTA LLC
CITY CENTER
SITE PLAN AMENDMENT CONDITIONS, ALTERNATIVES AND OPTIONS
AND
VARIATIONS**

The following site amendment conditions, alternatives and options, and variations shall be applicable to the City Center project.

CONDITIONS:

1. City Center principal uses shall be residential, commercial office and hotel uses. City Center ancillary uses shall be retail and restaurant uses. Other allowed uses shall be uses permitted by right as defined by the PD-OC zoning.
2. Buildings for principal uses shall be located within their designated site areas as indicated on the site plan.
3. Principal uses, ancillary uses and PD-OC permitted uses may be incorporated within parking structures.
4. Parking and structures for parking may be incorporated into the building structures of the principal uses above and below grade.
5. Combinations of and vertical integration of principal, ancillary and permitted PD-OC uses are permitted.
6. Building footprints, including their orientation and configuration, on the site are conceptual in nature and may be changed, reoriented and reconfigured except that building edges and building improvements above grade may not be any closer to the exterior perimeter property lines than as indicated on the site plan.
7. Building improvements and/or building-to-building connections may be constructed above site curb cuts to Peachtree and Piedmont Roads and over internal private streets.
8. Site improvements constructed on Sites D and E may be physically connected at street level.
9. The Piedmont Road perimeter edge of parking structures above grade may be clad with one or more retail, residential, restaurant and/or other permitted PD-OC uses.
10. The Piedmont Road perimeter edge of parking structures above grade shall incorporate one or more retail, residential, restaurant and/or other permitted PD-OC uses at street level.
11. Free standing building structures on Site D may not be more than two (2) stories in height.
12. Parking structures may be no more than ten (10) levels above the highest grade elevation contiguous with the structure.
13. The commercial office structure located on Site C or on Site E may be no more than thirty-five (35) stories above grade.
14. Residential tower structures located on Sites A, C or E may be no more than forty (40) stories above grade.
15. The building tower located on Site G may be not more than twenty (20) stories above grade.

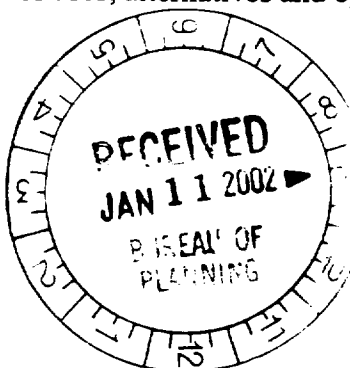


2-02-01/2-86-34

16. The residential structures located on Site B may be no more than ten (10) stories above the highest grade elevation contiguous with the structure. In the event residential structures located on Site B are constructed over and atop exposed above grade parking structures, the combined elevation of the residential and parking structure shall not exceed twelve (12) stories above the highest grade elevation contiguous with such combination residential/parking structure.
17. Alignments of internal private streets are conceptual in nature and may be changed to accommodate specific site and building improvements.
18. The point of termination of the internal private street in the northwest corner of the site at the north property line with Tower Place anticipates a future vehicular and pedestrian connection with Tower Place subject to an agreement with Tower Place.
19. The locations of the points of vehicular and/or pedestrian connection along the north property line with Tower Place, if any, is conceptual in nature and is subject to change.
20. The Tower Place Drive vehicular curb cut located in the northeast corner of the site as indicated on the site plan is not mandatory and may be changed, relocated or deleted.
21. Entitled square footages of principal uses not utilized for constructed improvements may be re-allocated to other sites within the property where those uses are permitted, subject to the building height limitations, building set back requirements from external perimeter property lines and the maximum allowable total site parking spaces.
22. Interim building measures, such as, site and infrastructure improvements, temporary surface parking lots, fencing, screening, grading, construction staging and office compounds and temporary internal private streets, to accommodate phased construction, development and use and occupancy of the property shall be permitted.
23. Landscaping and hardscaping shall be provided for street level buffering of building and parking structures.
24. Main internal private streets shall include pedestrian sidewalks on at least one side of the street.

ALTERNATIVES AND OPTIONS:

1. The permitted principal uses for Sites A, C, E and G may be commercial office and/or multifamily residential subject to the building height limitations, building set back requirements from external perimeter property lines and the maximum allowable total site parking spaces.
2. No more than 250,000 square feet of office may be located on Site A.
3. The existing curb cut on Peachtree Road in front of the Grand Hyatt Hotel may be eliminated and closed.
4. The total maximum density of the site, regardless of the combination of uses, alternatives and options, shall not exceed 2,920,000 square feet.
5. The maximum allowable commercial office density of the site, regardless of the combination of uses, alternatives and options, shall not exceed 1,600,000 square feet.



2-02-01/2-86-34

6. The maximum allowable multifamily residential density, regardless of the combination of uses, alternatives and options, shall not exceed 2,350,000 square feet.
7. The maximum allowable retail density, regardless of the combination of uses, alternatives and options, shall not exceed 150,000 square feet.
8. The total number of permitted parking spaces for the site, regardless of the combination of uses, alternatives and options, shall not exceed 5,957 spaces.
9. Two residential multifamily building towers may be constructed on Site E not to exceed a total of 500,000 square feet and subject to the building height limitations, building set back requirements from external perimeter property lines and the maximum allowable total site parking spaces.

VARIATIONS:

1. Residential Building Front Yard Setbacks, Side Yard Setbacks, Rear Yard Setbacks, and Spacing Between Buildings. The provisions of Chapter 8 and of Chapter 28, and specifically Sections 16-28.009, 16-28.010, and 16-28.011 notwithstanding, applicant requests approval of building setbacks, including front, side, rear yard setbacks, and of the requirements for spacing between buildings as is shown on the site plan which is a part of this application.
2. Open Space Requirements. The proposed residential floor area ratio for the site, based on the entire 15.32 acre parcel, is 2.2. Applicant requests the approval of Total Open Space ratio of .54 and Usable Open Space ratio of .39 for the residential development. Applicant is proposing a series of park spaces throughout the site that will provide both open spaces and sidewalks for all components of this mixed use development. The proposed site plan complies with the sidewalk and landscaping standards of the SPI-12 district as is required. In addition the same sidewalk and landscaping standards that are required on the Peachtree Road frontage have also been applied to the Piedmont Road frontage of the site.
3. Applicant requests that the administrative variation previously granted by John Bell, Zoning Administrator, as it relates to maintenance of existing trees along the Peachtree Road frontage of the property remain in full force and effect.

